

United States
Circuit Court of Appeals
For the Ninth Circuit.

N. RUDEBECK, R. H. RAMSAY and DORA A.
RAMSAY,

Petitioners,

vs.

W. P. SANDERSON, as Trustee in Bankruptcy of
the NONPAREIL CONSOLIDATED COP-
PER COMPANY, a Corporation, Bankrupt,
and NONPAREIL CONSOLIDATED COP-
PER COMPANY, a Corporation,

Respondents.

In the Matter of the NONPAREIL CONSOLI-
DATED COPPER COMPANY, a Corpora-
tion, Bankrupt.

SUPPLEMENTAL TRANSCRIPT OF RECORD ON
PETITION FOR REVISION

Under Section 24b of the Bankruptcy Act of Congress, Approved
July 1, 1898, to Revise, in Matter of Law, a Certain Order
of the United States District Court for the
Western District of Washington,
Northern Division.

Filed

SEP 20 1915

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INDEX TO THE PRINTED TRANSCRIPT OF RECORD.

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur. Title heads inserted by the Clerk are enclosed within brackets.]

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*In the District Court of the United States, for the
Western District of Washington.*

No. —.

In the Matter of the NONPAREIL CONSOLI-
DATED COPPER COMPANY, a Bankrupt,
In Bankruptcy.

Claim of Nicholas Rudebeck.

State of Washington,
County of Snohomish.

Nicholas Rudebeck, being first duly sworn on oath, deposes and says: That he is one of the principal creditors of the Nonpareil Consolidated Copper Company, a corporation, bankrupt; that he is the same Nicholas Rudebeck who was plaintiff in an action brought in Snohomish County, State of Washington, against the Nonpareil Consolidated Copper Company, a corporation, in which a judgment for Nine Thousand Two Hundred Seventy and 55/100 (\$9,-270.55) Dollars was returned in his favor, which said judgment was entered of record in the office of the clerk of the Superior Court of Snohomish County, State of Washington, on the 27th day of February, 1914; that the amount of said judgment is owing by the Nonpareil Consolidated Copper Company, a corporation, to this affiant, and no part of said judgment has been paid and now remains as a valid obligation of said Nonpareil Consolidated Copper Company, a corporation.

NICHOLAS RUDEBECK.

Subscribed and sworn to before me this 30th day of April, 1914.

[Seal]

FRANK L. COOPER,
Notary Public, in and for the State of Washington,
Residing at Everett. [1*]

*In the Superior Court of the State of Washington,
in and for the County of Snohomish.*

No. —.

NICHOLAS RUDEBECK,

Plaintiff,

vs.

NONPAREIL CONSOLIDATED COPPER COM-
PANY, a Corporation,

Defendant.

Judgment.

This matter having been regularly set for trial and coming on to be heard before the Court, in Department No. 1 of said court on the 27th day of February, 1914, plaintiff appearing in person and by his attorneys, E. H. Guie and Howard Hathaway, and the defendant appearing by its attorney, J. A. Coleman, and the plaintiff having introduced his testimony and submitted his proofs, and the Court having duly considered the same, and the defendant having submitted no proof, and the Court being in all things advised in the premises, now, therefore,

IT IS ORDERED, ADJUDGED AND DECREED, that the plaintiff recover of and from the defendant on his first cause of action, judgment in

*Page-number appearing at foot of page of original certified Record.

the sum of Two Thousand Three Hundred Forty-five and 55/100 (\$2,345.55) Dollars, together with interest thereon at the rate of eight per cent per annum from April 1, 1912, until paid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the plaintiff recover of and from the defendant on his first cause of action, judgment in the sum of Two Hundred Seventy-five (\$275) Dollars, as attorneys' fees.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the plaintiff recover of and from the defendant on his second cause of action, judgment in the sum of Six Thousand (\$6,000.00) Dollars, together with interest thereon at the rate of four per cent per annum from the 27th day of February, 1912, until paid. [2]

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the plaintiff recover of and from the defendant on his second cause of action, judgment in the sum of Six Hundred Fifty (\$650.00) Dollars, as attorney's fees.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the plaintiff recover of and from the defendant his costs and disbursements in this action, amounting to ——— Dollars.

Dated this 27th day of February, 1914.

RALPH C. BELL,
Judge.

O. K. as to form.

J. A. COLEMAN,
By J. M. HOGAN.

State of Washington,
County of Snohomish,—ss.

I, W. F. Martin, clerk of the above-entitled court, do hereby certify that the foregoing instrument is a true and correct copy of the original now on file in my office. In witness whereof, I hereunto set my hand and the seal of said court this 16th day of March, 1914.

W. F. MARTIN,
Clerk.

[Indorsed]: Proof of Claim Nicholas Rudebeck.
Filed Mch. 23, 1914. 3 P. M. John P. Hoyt, Referee. [3]

**[Order Approving Account of Referee in
Bankruptcy.]**

*In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.*

IN BANKRUPTCY—No. 5235.

In the Matter of NONPAREIL CONSOLIDATED
COPPER CO., Bankrupt.

On reading and filing the verified account of John P. Hoyt, the Referee in Bankruptcy before whom the above-entitled matter was pending, and the same appearing to be just and true,

IT IS ORDERED, that said account be and the same hereby is approved and allowed in the sum of \$16.20, as presented.

And it is further ordered that the trustee herein pay to the said John P. Hoyt said sum of \$16.20 in due course of administration.

Done in open court this 21st day of August, 1914.

JEREMIAH NETERER,

Judge of Said Court.

[Indorsed]: Order Allowing Account of Referee. Filed in the United States District Court, Western District of Washington. Aug. 21, 1914. Frank L. Crosby, Clerk. By B. E. S., Deputy. [4]

**[Order Approving Claim of John A. Whalley & Co.
for Premium Upon Bond, etc.]**

*In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.*

IN BANKRUPTCY—No. 5235.

In the Matter of NONPAREIL CONSOLIDATED
COPPER CO., a Bankrupt.

The claim of John A. Whalley & Co. for Five Dollars (\$5.00) premium upon the bond of Bo Sweeney as trustee, and of Ten Dollars (\$10.00) as premium upon the bond of W. P. Sanderson as trustee, in bankruptcy of Nonpareil Consolidated Copper Company, amounting in all to the sum of Fifteen Dollars (\$15.00) having been presented for allowance and having been examined and found correct, it is ordered that the same be allowed and approved for payment as actual and necessary expenses incurred by said trustees in the administration of said estate.

Dated this 30th day of November, 1914.

Signed, C. R. HAWKINS,
Referee in Bankruptcy.

The Trustee is ordered and directed to pay the above claim.

JEREMIAH NETERER,
Judge.

[Indorsed]: Order. Filed in the United States District Court, Western District of Washington. Nov. 30, 1914. Frank L. Crosby, Clerk. By B. E. S., Deputy. [5]

**[Order Appointing James E. Bell et al. Appraisers,
etc.]**

*In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.*

IN BANKRUPTCY—No. 5235.

In the Matter of NONPAREIL CONSOLIDATED
COPPER CO., a Bankrupt.

It is ordered that James E. Bell, Joseph Ferguson and Robert J. McLaughlin, each and all of the City of Seattle and State of Washington, three disinterested persons, be, and they are hereby, appointed appraisers to appraise the real and personal property belonging to the estate of said bankrupt set out in the schedules now on file in this court, and report their appraisal to the Court, said appraisal to be made as soon as may be, and the appraisers to be duly sworn.

Witness my hand this 29th day of April, A. D. 1915.

C. R. HAWKINS,
Referee in Bankruptcy.

Western District of Washington.—ss.

Personally appeared the within named James E. Bell, Joseph Ferguson and Robert J. McLaughlin, and separately made oath that they will fully and fairly appraise the aforesaid real and personal property according to their best skill and judgment.

JAMES E. BELL.

JOSEPH FERGUSON.

ROBERT J. McLAUGHLIN.

Subscribed and sworn to before me this 29th day of April, A. D. 1915.

[Seal] WM. HICKMAN MOORE,
Notary Public in and for the State of Washington,
Residing at Seattle. [6]

[Indorsed]: Order Appointing Appraisers. Filed this 29th day of April, 1915, at 2 o'clock P. M. C. R. Hawkins, Referee. [7]

*In the United States District Court for the Western
District of Washington, Northern Division.*

No. 5235.

In the Matter of NONPAREIL CONSOLIDATED
COPPER COMPANY, a Bankrupt.

Order to Pay Claims of Appraisers.

The Referee in Bankruptcy having on June 2, 1915, on verified written petition allowed the claims

of James E. Bell, Joseph Ferguson and R. J. McLaughlin, as appraisers of the estate of the bankrupt in the sum of Fifty-six and 10/100 Dollars (\$56.10) each for their services and expenses in appraising said estate,

IT IS ORDERED that said claims be allowed and paid in said amounts respectively.

Dated at Seattle, Washington, this 3d day of June, 1915.

JEREMIAH NETERER,

Judge.

Certified correct.

C. R. HAWKINS,

Referee in Bankruptcy.

[Indorsed]: Order to pay claims of appraisers. Filed in the United States District Court, Western District of Washington. June 3, 1915. Frank L. Crosby, Clerk. By S. E. Leitch, Deputy. [8]

In the District Court of the United States for the Western District of Washington, Northern Division.

No. 5235.

In the Matter of NONPAREIL CONSOLIDATED COPPER COMPANY, a Bankrupt.

Appraisement.

We, the undersigned, having been notified that we were appointed to estimate and appraise the real and personal property of the bankrupt have attended to the duties assigned us, and after a strict

examination and careful inquiry, we do estimate and appraise the same as follows:

Lot 2 Sec. 2 Twp. 27 N. R. 10 E. W. M. . . . \$ 1890.00
S.W. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ Sec. 2 Twp. 27 N. R.

10 E. W. M. 3755.00

N. $\frac{1}{2}$ of S.W. $\frac{1}{4}$ Sec. 2 Twp. 27 N. R. 10

E. W. M. 7225.00

N.E. $\frac{1}{4}$ Sec. 2 Twp. 27 N. R. 10 E. W. M. . . 10400.00

Lots 3 & 7 Sec. 35 Twp. 28 N. R. 10 E.W.M. 3805.00

Lots 4 & 6 Sec. 35 Twp. 28 N. R. 10 E.W.M. 2880.00

Lot 5 Sec. 35 Twp. 28 N. R. 10 E. W .M. . . . 1200.00

N. $\frac{1}{2}$ of S.W. $\frac{1}{4}$ Sec 35 Twp. 28 N. R. 10

E. W. M. 6350.00

Personal property on above described

lands. 500.00

Thirty-two (32) Lode Mining Claims situate in
Trout Creek Mining District (unorganized)
Snohomish County, Washington, as follows:

Blue Mud Lode. 12.50

“ “ “ Extension No. 1. 12.50

“ “ “ “ No. 2. 12.50

“ “ “ “ No. 3. 12.50

“ “ “ “ No. 4. 12.50

Five Brothers. 12.50

“ “ “ No. 1. 12.50

“ “ “ No. 2. 12.50

Copper Bullion. 12.50

“ “ “ No. 1. 12.50

“ “ “ No. 2. 12.50

“ “ “ No. 3. 12.50

“ “ “ No. 4. 12.50

Imperial.....				12.50
“	“	No. 1.....		12.50
“	“	No. 2.....		12.50
“	“	No. 3.....		12.50
“	“	No. 4.....		12.50
Judge.....				12.50
“	“	No. 1.....		12.50
“	“	No. 2.....		12.50
New Lone Star.....				12.50
“	“	No. 1.....		12.50

[9] \$38,292.50

Forwarded.....\$38,292.50

New Lone Star Extension No. 2.....	12.50
“ “ “ “ No. 3.....	12.50
Nonpareil.....	12.50
“ “ No. 1.....	12.50
“ “ No. 2.....	12.50
“ “ No. 3.....	12.50
Royal.....	12.50
“ “ No. 1.....	12.50
“ “ No. 2.....	12.50
Personal property on said mining claims	100.00
Twenty (20) \$100 shares capital stock of Index-Galena Company, a corpora- tion.....	00.00
Four (4) \$500 first mortgage bonds of Index-Galena Company, a corpora- tion.....	1000.00

Total.....\$39,505.00

In witness whereof we hereunto set out hands at

Seattle, Washington, this 21st day of May, 1915.

JAMES E. BELL.

JOSEPH FERGUSON.

R. J. McLAUGHLIN.

[Indorsed]: Appraisement. Filed this 15th day of May, 1915, at 10 o'clock A. M. C. R. Hawkins, Referee. [10]

*In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.*

No. 5235.

In the Matter of the NONPAREIL CONSOLI-
DATED COPPER COMPANY, a Bankrupt.

**Certificate of Clerk U. S. District Court to
Supplemental Transcript of Record.**

United States of America,
Western District of Washington,—ss.

I, Frank L. Crosby, Clerk of the United States District Court, for the Western District of Washington, do hereby certify the foregoing ten type-written pages numbered from 1 to 10, inclusive, to be a full, true, correct and complete copy of so much of the record in the above and foregoing entitled cause, as are necessary to the hearing of said cause in the United States Circuit Court of Appeals for the Ninth Circuit, and as called for by counsel of record for the Trustee in supplemental praecipe, as the same remain of record and on file in the office of the Clerk of said District Court.

IN WITNESS WHEREOF, I have hereto set

my hand and affixed the seal of said District Court at Seattle, in said District, this 31st day of August, 1915.

[Seal]

FRANK L. CROSBY,

Clerk.

By S. E. Leitch,

Deputy.

[Endorsed]: No. 2624. United States Circuit Court of Appeals for the Ninth Circuit. N. Rudebeck, R. H. Ramsay and Dora A. Ramsay, Petitioners, vs. W. P. Sanderson, as Trustee in Bankruptcy of the Nonpareil Consolidated Copper Company, a Corporation, Bankrupt, and Nonpareil Consolidated Copper Company, a Corporation, Respondents. In the Matter of the Nonpareil Consolidated Copper Company, a Corporation, Bankrupt. Supplemental Transcript of Record on Petition for Revision. Under Section 24b of the Bankruptcy act of Congress, Approved July 1, 1898, to Revise in Matter of Law, a Certain Order of the United States District Court for the Western District of Washington, Northern Division.

Filed September 4, 1915.

F. D. MONCKTON,

Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

By Meredith Sawyer,

Deputy Clerk.

